

FILED 28 NOV '16 10:41 UTC CORP

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

Civil Case No. 3:16-CV-01746-SB

SEPTEMBER PRODUCTIONS, INC., and
CRIMINAL PRODUCTIONS, INC.,

Plaintiff,

v.

MIKE DAMYAN

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant MIKE DAMYAN ("Defendant") is identified in Plaintiff's complaint as the Internet Service Provider (ISP) subscriber assigned Internet Protocol ("IP") address, Doe # 73.240.174.9. I am representing myself *Pro Se* in this matter before the Court. I understand that *Pro Se* litigants are required to follow the same rules and procedures as litigants represented by attorneys. I will abide by these rules and procedures, but ask the courts indulgence as I'm not a lawyer. I hereby answer the Complaint of SEPTEMBER PRODUCTIONS, INC., and CRIMINAL PRODUCTIONS, INC., LLC ("Plaintiff") as follows:

Nature of the action

1. Defendant avers that Paragraph 1 of the Complaint makes statements that do not require a response, except that Defendant agrees that Plaintiff is seeking relief under the Copyright Act (Title 17 U.S.C. § 101 et seq).
2. Defendant denies the Plaintiff's allegations in Paragraph 2, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

Jurisdiction and Venue

3. Defendant denies the Plaintiff's allegations in Paragraph 3, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
4. Defendant denies the Plaintiff's allegations in Paragraph 4, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

PARTIES

September

5. Defendant denies the Plaintiff's allegations in Paragraph 5, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
6. Defendant denies the Plaintiff's allegations in Paragraph 6, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
7. Defendant denies the Plaintiff's allegations in Paragraph 7, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
8. Defendant denies the Plaintiff's allegations in Paragraph 8, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

9. Defendant denies the Plaintiff's allegations in Paragraph 9, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
10. Defendant denies the Plaintiff's allegations in Paragraph 10, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
11. Defendant denies the Plaintiff's allegations in Paragraph 11, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
12. Defendant denies the Plaintiff's allegations in Paragraph 12, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
13. Defendant denies the Plaintiff's allegations in Paragraph 13, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

CPI

14. Defendant denies the Plaintiff's allegations in Paragraph 14, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
15. Defendant denies the Plaintiff's allegations in Paragraph 15, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

16. Defendant denies the Plaintiff's allegations in Paragraph 16, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
17. Defendant denies the Plaintiff's allegations in Paragraph 17, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
18. Defendant denies the Plaintiff's allegations in Paragraph 18, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
19. Defendant denies the Plaintiff's allegations in Paragraph 19, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
20. Defendant denies the Plaintiff's allegations in Paragraph 20, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
21. Defendant denies the Plaintiff's allegations in Paragraph 21, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.
22. Defendant denies the Plaintiff's allegations in Paragraph 22, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

THE DEFENDANT

23. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.
24. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.
25. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.
26. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.
27. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never

owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

PEER-TO-PEER INTERNET PIRACY IN GENERAL

28. Defendant denies the Plaintiff's allegations in Paragraph 28, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

29. Defendant denies the Plaintiff's allegations in Paragraph 29, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

30. Defendant denies the Plaintiff's allegations in Paragraph 30, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

31. Defendant denies the Plaintiff's allegations in Paragraph 31, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

32. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

33. Defendant denies the Plaintiff's allegations in Paragraph 33, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

34. Defendant denies the Plaintiff's allegations in Paragraph 34, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

35. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

36. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

37. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

38. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never

owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

39. Defendant denies the Plaintiff's allegations in Paragraph 39, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

40. Defendant denies the Plaintiff's allegations in Paragraph 40, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

41. Defendant denies the Plaintiff's allegations in Paragraph 41, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

42. Defendant denies the Plaintiff's allegations in Paragraph 42, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

43. Defendant denies the Plaintiff's allegations in Paragraph 43, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

44. Defendant denies the Plaintiff's allegations in Paragraph 44, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

45. Defendant denies the Plaintiff's allegations in Paragraph 45, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

CAUSE OF ACTION

46. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

47. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

48. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

49. Defendant has not infringed the copyrights of Plaintiff nor violated and exclusive rights held by Plaintiff under the aforementioned statutes. Defendant does not nor has never owned a computer with a Bit Torrent client installed on it as alleged by Plaintiff in the

Complaint. Thus, the defendant denies the allegations of copyright infringement raised by Plaintiff.

50. Defendant denies the Plaintiff's allegations in Paragraph 50, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

51. Defendant denies the Plaintiff's allegations in Paragraph 51, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

52. Defendant denies the Plaintiff's allegations in Paragraph 52, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

53. Defendant denies the Plaintiff's allegations in Paragraph 53, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

PRAYER FOR RELIEF

WHEREFORE, Defendant having fully answered and pled to the causes of actions herein, Defendant requests a jury trial on the claims herein insofar as they can be properly heard by a jury and an order granting the following relief:

- a. For entry of a permanent injunction preventing Plaintiff from naming defendant's in this BitTorrent copyright infringement case and future ones base only on the fact that the ISP subscriber pays the Internet service bill. Plaintiff should be enjoined to conduct at least a basic investigation. Naming

a defendant based only on whom the ISP records disclose as the bill payer is wildly irresponsible.

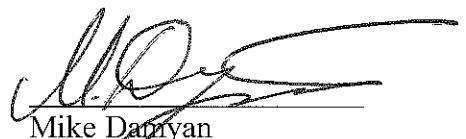
- b. Request the court “on its own” issue a show cause order (FRCP 11(c)(3)) to Plaintiff as to why it should not be sanctioned for providing factual contentions that have no evidentiary support or will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.
- c. Request that if the court finds that Plaintiff violated FRCP 11(b), appropriate sanctions are imposed to deter future conduct by this Plaintiff or others Plaintiffs filing similar BitTorrent copyright infringement law suits.
- d. A judgment in favor of Defendant denying Plaintiff’s requested relief and dismissal of Plaintiff’s Complaint with prejudice by this court.

DATED: *November 26, 2016*

Respectfully submitted,

MIKE DAMYAN

By:



Mike Damyan
22505 SE Morrison St.
Gresham, OR, 97030
503-490-7582
mikedamyan@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that on 11/26/2016, I served a copy of the foregoing document, via US Mail, on:

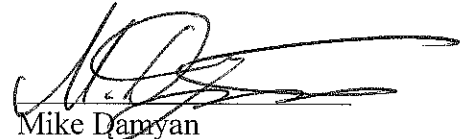
CROWELL LAW
CARL D. CROWELL
943 LIBERTY ST.
PO BOX 923
SALEM, OR, 97308

Dated: 11/26/2016

Respectfully submitted,

MIKE DAMYAN

By:

A handwritten signature in black ink, appearing to read "Mike Damyan", with a long horizontal flourish extending to the right.

Mike Damyan
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Gresham, OR, 97030
503-490-7582
mikedamyan@yahoo.com